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SENATOR CHAMBERS: He said, well, I got to measure the pole. They said, well, you measured it already. He said, well, when I measured it on the ground that told me how long it is. Now that it's in the ground I got to measure it to see how tall it is. And when they heard that, they said let's go to Nebraska and set up an ethanol plant and get those credits. And, as Paul Harvey would say, now you know the rest of the story.

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to close on your motion to refer.

SENATOR CHAMBERS: Thank you, Mr. President. This case is captioned Nebraska Nutrients, Inc. v. Wyman Shepherd and Leo Corbet. Judge Stephan delivered the court's opinion. In 1990, Arizona residents Raymond Clayton Roles, Wyman Shepherd, and Leo Corbet formed two Nebraska corporations known as Nebraska Nutrients, Inc. (Nebraska Nutrients), and Tri-State Construction and Supply, Inc. (Tri-State), for the purpose of building and operating a plant near Sutherland, Nebraska, to manufacture ethanol and yeast products. In 1993, when the plant was approximately 95 percent complete but not yet operational, Roles and the Nebraska Nutrients filed this action for declaratory judgment and injunctive relief in the District Court of Lincoln County, which action was later amended to include Tri-State, seeking a determination that Roles was the sole officer, director and shareholder of the two corporations and had full authority to negotiate a sale of the plant. In separate answers, Shepherd and Corbet each asserted an ownership interest in the corporation and the plant by virtue of a written agreement dated November 1, 1990, and counterclaimed against Roles for damages based upon an alleged breach of the agreement. Following a bifurcated, or divided, trial in which the court, sitting without a jury, found in favor of Shepherd and Corbet on the claims for declaratory judgment and injunctive relief, and a jury returned verdicts in their favor on the counterclaims, the district court entered judgments in favor of Shepherd and Corbet in the amounts of \$6,649,141 and \$5,571,945 respectively. Thereafter, the district court overruled Roles' motion for a new trial or judgment notwithstanding the verdict, and awarded attorneys' fees and expenses to Shepherd and Corbet as a judgment against Roles. Roles perfected this timely appeal. As